

FIRST REGULAR SESSION

SENATE BILL NO. 351

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS RIDGEWAY AND GIBBONS.

Read 1st time February 15, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1605S.011

AN ACT

To repeal section 311.325, RSMo, and to enact in lieu thereof one new section relating to minor in possession based on blood alcohol content, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 311.325, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 311.325, to read as follows:

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his possession, any intoxicating liquor as defined in section 311.020, **or has a detectable blood alcohol content based upon chemical testing established under sections 577.020 to 577.041, RSMo**, is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

2. For purposes of determining violations of any provision of this chapter, or of any rule or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

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